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10 Attorneys for Plaintiff
UNITED STATES OF AMERICA

12 UNITED STATES DISTRICT COURT

13 FOR THE CENTRAL DISTRICT OF CALIFORNIA

14 WESTERN DIVISION

15 UNITED STATES OF AMERICA,

No. 2:22-cv-7443

16 Plaintiff,

VERIFIED COMPLAINT FOR FORFEITURE

17 v.

21 U.S.C. § 881(a)(6)

18 \$200,000.00 IN U.S. CURRENCY,

[D.E.A.]

19 Defendant.

21 Plaintiff United States of America brings this claim against the
22 below-identified defendant, and alleges as follows:

23 **JURISDICTION AND VENUE**

24 1. The government brings this in rem forfeiture action
pursuant to 21 U.S.C. § 881(a)(6).

26 2. This Court has jurisdiction over the matter under
28 U.S.C. § 1345 and 1355.

28 3. Venue lies in this district pursuant to 28 U.S.C. § 1395.

PERSONS AND ENTITIES

4. The plaintiff in this action is the United States of America (the "plaintiff").

5. The defendant (the "Defendant Currency") is \$200,000.00 in U.S. Currency seized on October 8, 2021 during a vehicle search at a shopping center located at 8320 Lincoln Boulevard, Los Angeles, California (the "Shopping Center"), of a 2018 Honda Accord bearing California License Plate No. 8DZB844, occupied by Eduardo Castro Gallardo ("Gallardo") and Jesus Eduardo Gallardo Montoya ("Montoya"), and registered to Gonzalez Benjamin ("Benjamin").

6. The Defendant Currency is presently in the custody of the United States Marshals Service ("USMS") within this District, where it will remain subject to this Court's jurisdiction during the pendency of this action.

7. The interests of Gallardo, Montoya, Benjamin, Jasmol Singh ("Singh"), and Umit Bagga ("Bagga"), may be adversely affected by these proceedings.

BASIS FOR FORFEITURE

8. In or about September of 2021 members of Drug Enforcement Administration's ("DEA") Riverside Task Force Group-2 ("TFG-2") were conducting an ongoing wiretap investigation into the operations of a drug trafficking organization (the "DTO") operating in the Southern California region.

9. During TFG-2's wiretap investigation, TFG-2 agents identified TRAFFICKER 1 as a multi-kilogram cocaine trafficker who transported and distributed illicit narcotics and narcotics proceeds on behalf of the DTO. TFG-2 agents ultimately seized at least 33

1 kilograms of cocaine, as well as methamphetamine, heroin, and a large
2 amount of U.S. currency, from TRAFFICKER 1's DTO during the course of
3 this investigation.

4 10. In or about September of 2021, during TFG-2's ongoing
5 investigation, TRAFFICKER 1 was intercepted on a phone call speaking
6 with Singh.

7 11. During the intercepted phone call between TRAFFICKER 1 and
8 Singh, TRAFFICKER 1 and Singh discussed the transfer of \$80,000.00 in
9 cash to be delivered to another member of the DTO. Specifically,
10 Singh provided his location to TRAFFICKER 1, and they discussed a
11 predetermined meeting and exchange of currency. In this conversation,
12 Singh and TRAFFICKER 1 used coded language to refer to U.S. Currency.

13 12. During TFG-2's investigation into the DTO, TFG-2 agents
14 observed that members of TRAFFICKER 1's DTO consistently used certain
15 coded language when discussing illicit narcotics proceeds. This coded
16 language included using the word "documents" to refer to thousands of
17 dollars in U.S. Currency in drug proceeds. This same term was used
18 during the September 2021 call between Singh and TRAFFICKER 1.

19 13. On or about October 8, 2021, Singh was intercepted again as
20 part of TFG-2's investigation. In this call, Singh was contacted by
21 an unknown male (the "UM") and directed to meet and receive "200."
22 During this call, Singh and the UM also used the same coded language
23 to discuss U.S. Currency as used by TRAFFICKER 1 during Singh's call
24 with TRAFFICKER 1 approximately one month earlier.

25 14. TFG-2 agents then requested Fontana Police Department
26 ("FPD") officers establish surveillance at a shopping center which
27 was identified in Singh's call with the UM (the "Shopping Center").

1 15. On October 8, 2021, FPD Narcotics Unit officers set up
2 surveillance at the Shopping Center as directed by TFG-2.

3 16. FPD Officers subsequently observed a male adult
4 (subsequently identified as Gallardo) approach another male adult
5 (subsequently identified as Singh) in front of the Shopping Center.
6 Gallardo handed Singh a dollar bill, which Singh examined and then
7 returned to Gallardo.

8 17. U.S. Currency serial numbers are often used as a
9 verification process to deliver or receive narcotics or narcotics
10 proceeds, as they cannot easily be forged or altered. If the subject
11 does not have the correct bill serial number, then narcotics or
12 narcotic proceeds will not be given to that person.

13 18. Gallardo then returned to a nearby parking lot located at
14 or near 8320 Lincoln Boulevard. Officers contacted Gallardo as he
15 approached a white Honda Accord with California license plate number
16 8DZB844 (the "Vehicle"). When Gallardo noticed the FPD officers
17 approaching him, he attempted to quickly get into the Vehicle's
18 driver-side door. Officers detained Gallardo and identified him based
19 on a California Driver's License in his possession. FPD officers
20 identified an additional person seated in the front passenger seat of
21 the same vehicle as Montoya by his California identification card.

22 19. Gallardo gave verbal consent to a search of the Vehicle.
23 FPD officers located and seized \$200,000.00 in U.S. Currency (i.e.,
24 the Defendant Currency) packaged in rubber bands inside a plastic bag
25 and concealed in a brown cardboard box behind the driver's seat of
26 the Vehicle.

27 20. The Defendant Currency was found in a bag, without any bank
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1 bands or markings, and was rubber-banded in a manner consistent with
2 DTO narcotics proceeds.

3 21. Gallardo and Montoya each denied ownership of the Defendant
4 Currency, and each signed a Disclaimer of Ownership and Waiver of
5 Notice form. FPD Officers then seized the Defendant Currency.

6 22. While FPD officers were preparing paperwork, Gallardo
7 stated that he had driven to Los Angeles from Indio because he had
8 been asked to do someone a favor, but provided no additional
9 information about the source of the U.S. Currency. When Officers
10 advised Gallardo of his Miranda rights, Gallardo made no further
11 statements.

12 23. Gallardo and Montoya were then arrested for violations of
13 California Health and Safety Code section 11370.6, and released on
14 scene pursuant to California Penal Code section 849(b) .

15 24. Upon returning to FPD offices, FPD officers requested
16 assistance of a K-9 officer to conduct a sniff of the Defendant
17 Currency.

18 25. FPD Officer B. Terwilliger responded with K-9 officer Axl.
19 Axl is certified in odor detection of Marijuana, Cocaine,
20 Methamphetamine, Heroin, and Ecstasy. Axl participates in bi-weekly
21 training for a total of 20 hours in both patrol and narcotics
22 detection. Axl is certified in both patrol/narcotics detection
23 annually and, along with Officer Terwilliger, was originally
24 certified on 10/30/2019 after completing the "Narcotics Detection"
25 course at Scenturion K9/AEP training facility. Axl is trained to
26 passively alert upon the detection of the odor of narcotics.

27 26. Officer Terwilliger first conducted a sweep of the
28

surrounding area and observed no other visible sources of narcotics. Officer Terwilliger then deployed Axl to the search area. Axl approached the bag containing the Defendant Currency on the ground and showed a change of behavior, namely, a head turn, followed by rapid sniffing of the bag. At this point, Axl displayed his passive alert to the odor of narcotics inside the bag by sitting down.

7 27. Seizing agency administrative forfeiture proceedings often
8 precede the filing of a judicial forfeiture action. Bagga and Singh
9 submitted a claim in the administrative forfeiture proceedings as to
10 the Defendant Currency, contesting the seizing agency's
11 administrative forfeiture of the funds, but that claim failed to
12 disclose how, if at all, Bagga and or Singh had any interest in the
13 Defendant Currency. As a result of Bagga and Singh's submission, the
14 instant judicial forfeiture action is being filed requesting a Court
15 judgment of forfeiture relative to the Defendant Currency.

CLAIM FOR RELIEF

17 28. Plaintiff incorporates the allegations of paragraphs 1-27
18 above as though fully set forth herein.

19 29. Based on the above, plaintiff alleges that the Defendant
20 Currency represents or is traceable to proceeds of illegal narcotics
21 trafficking, or was intended to be used in one or more exchanges for
22 a controlled substance or listed chemical, in violation of 21 U.S.C.
23 § 841, et. seq. The Defendant Currency is therefore subject to
24 forfeiture pursuant to 21 U.S.C. § 881(a) (6).

25	/ /
26	/ /

1 WHEREFORE, plaintiff United States of America prays:

2 (a) that due process issue to enforce the forfeiture of the
3 Defendant Currency;

4 (b) that due notice be given to all interested parties to
5 appear and show cause why forfeiture should not be decreed;

6 (c) that this Court decree forfeiture of the Defendant Currency
7 to the United States of America for disposition according to law; and

8 (d) for such other and further relief as this Court may deem
9 just and proper, together with the costs and disbursements of this
10 action.

11
12 Dated: October 12, 2022

E. MARTIN ESTRADA
United States Attorney
SCOTT M. GARRINGER
Assistant United States Attorney
Chief, Criminal Division
JONATHAN GALATZAN
Assistant United States Attorney
Chief, Asset Forfeiture Section

17 _____
18 /s/
19 DAN G. BOYLE
20 Assistant United States Attorney

21
22 Attorneys for Plaintiff
23 UNITED STATES OF AMERICA

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VERIFICATION

I, HEJA ROSEBIA NI, hereby declare that:

1. I am a Special Agent for the Drug Enforcement Administration and the case agent for the forfeiture matter entitled United States of America v. \$200,000.00 in U.S. Currency.

2. I have read the above Verified Complaint for Forfeiture and know its contents. It is based upon my own personal knowledge and reports provided to me by other law enforcement agents.

3. Everything contained in the Complaint is true and correct, to the best of my knowledge and belief.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on October 12, 2022 at 10:22,
California.

Heja Rosebiani

HEJA ROSEBIANI
Drug Enforcement Administration